

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LUZ TAMAYO,)	Civil Action No.
)	
Plaintiff,)	
)	
v.)	
)	
FINANCIAL RECOVERY)	
SERVICES, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

To: Clerk- United States District Court for the
District of New Jersey

PLEASE TAKE NOTICE THAT, on this date, Defendant, Financial Recovery Services, Inc. (“FRS”), pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331, hereby removes the above captioned matter to this Court from the Superior Court of New Jersey, Law Division, Special Civil Part, Bergen County. In support thereof, FRS avers as follows:

1. On or about December 28, 2012, Plaintiff filed a Complaint against FRS in the Superior Court of New Jersey, Law Division, Special Civil Part, Bergen County under docket number DC-000367-13. (A true and correct copy of Plaintiff's Summons and Complaint is attached hereto and marked as Exhibit “A”).
2. FRS was served with Plaintiff's Complaint on January 8, 2013.
3. Plaintiff's Complaint alleges that FRS violated the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, et seq. in its attempts to collect a debt obligation owed by Plaintiff.

4. Based on the foregoing, FRS has timely filed this Notice of Removal within thirty days of being served with the Complaint and within thirty days of the date that the Action was first removable. See 28 U.S.C. § 1446(b).

5. The current action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by FRS pursuant to the provisions of 28 U.S.C. § 1441(b), in that Plaintiff has alleged, *inter alia*, that FRS violated the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, et seq., thereby asserting claims that arise under federal law.

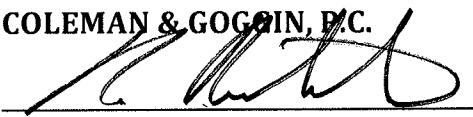
6. In that the causes of action alleged by the Plaintiff arise from the performance of obligations of the parties within Bergen County, New Jersey, the United States District Court for the District of New Jersey, Newark, should be assigned the Action.

7. FRS, upon filing this Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, has also caused to be filed copies of this Notice with the Clerk of the Superior Court of New Jersey, Law Division, Special Civil Part, Bergen County, to effect removal of this action pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant, Financial Recovery Services, Inc. notifies this Court that this action is removed from the Superior Court of New Jersey, Law Division, Special Civil Part, Bergen County, to the United States District Court for the District of New Jersey pursuant to the provisions of 28 U.S.C. §§ 1331 and 1446.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By: 

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Financial Recovery Services, Inc.

Dated: February 6, 2013

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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Plaintiff,)	
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v.)	
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FINANCIAL RECOVERY)	
SERVICES, INC.,)	
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PROOF OF MAILING

I hereby certify that on February 6, 2013, the original of the within Notice of Removal was sent to the Clerk of the United States District Court, New Jersey to be filed and that a copy of the same was forwarded to the following interested persons as follows:

NAME AND ADDRESSES

Benjamin Nazmiyal, Esq.

Benjamin Nazmiyal Law Group, P.C.

209 Main Street

Fort Lee, NJ 07024

Attorneys for Plaintiff

Clerk, Bergen County Superior Court

Case Processing Section, Room 119

Justice Center, 10 Main St.

Hackensack, NJ 07601-0769

I certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.

By:


Attorneys for Defendant
Financial Recovery Services, Inc.

Dated: February 6, 2013